

AMENDED
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Nº 37850
ASSIGNED

Date of filing in State Engineer's Office..... APR 10 1979
Returned to applicant for correction..... SEP 17 1979
Corrected application filed..... NOV 5 1979
Map filed..... NOV 5 1979 under 37825

The applicant McCormick Brothers c/o Boyack Surveying, Inc.
515 South Fifth Street, of Elko,
Street and No. or P.O. Box No. City or Town
Nevada 89801, hereby make application for permission to appropriate the public
State and Zip Code No.
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Badger Spring
Name of stream, lake or other source.
2. The amount of water applied for is 0.5 cfs second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet acre-feet
3. The water to be used for Stockwater
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
(a) Irrigation (state number of acres to be irrigated)
(b) Stockwater (state number and kinds of animals to be watered) 1000 Cattle
(c) Other use (describe fully under "No. 12. Remarks")
(d) Power:
(1) Horsepower developed
(2) Point of return of water to stream
5. The water is to be diverted from its source at the following point: SE1/4 NE1/4 Section 2, T41N, R58E
MDB&M at a point from which the E1/4 Corner of said Section 2 bears S 45° 47'
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
33" E 1401.97 feet
it should be stated.
6. Place of use SE1/4 NE1/4 Section 2, T41N, R58E, MDB&M.
Describe by legal subdivision, if on unsurveyed land it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Day and Month Day and Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Spring, pipeline and troughs.
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$2,000.....
10. Estimated time required to construct works.....3 years.....
11. Estimated time required to complete the application to beneficial use.....5 years.....
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Applicant McCormick Brothers

By s/Alan S. Boyack
Alan S. Boyack
515 South Fifth Street
Elko, Nevada 89801

Compared bc/bl 11/bm

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0312 cubic feet per second, or sufficient to water 1,000 head of cattle.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before January 8, 1987

Proof of completion of work shall be filed before February 8, 1987

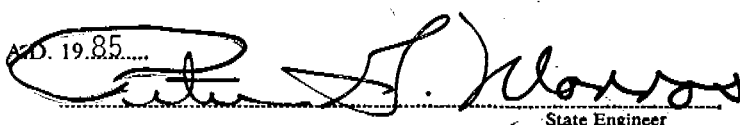
Application of water to beneficial use shall be made on or before January 8, 1990

Proof of the application of water to beneficial use shall be filed on or before February 8, 1990

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed
Completion of work filed FEB 10 1987
Proof of beneficial use filed MAR 09 1993
Cultural map filed
Certificate No. 13717 Issued SEP 15 1993
Recorded Bk Page
County Recorder

IN TESTIMONY WHEREOF, I, PETER G. MORROS
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 8TH day of JANUARY

A.D. 1985

State Engineer